

REMARKS

The Office Action mailed January 19, 2011 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Claim Status and Amendments to the Claims

Claims 1-62 are currently pending.

No claims stand allowed.

Claims 1, 3, 9-12, 18-22, 27, 29, 31, 33, 35, 41-44, 51-54, and 60-62 have been amended.

No new matter has been added.

The 35 First U.S.C. § 103 Rejection

Claims 1-2, 5, 8-11, 14, 17-20, 23, 26-34, 37, 39-43, 46, 49-53, 56, and 59-62 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rigaldies et al.¹ in view of Oberhaus et al.,² of which Claims 1, 9, 18, 27, 29, 31, 33, 41, 51, 60, 61, and 62 are independent claims.³ This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.⁴

Claim 1

¹ U.S. Patent No. 6,792,085 to Rigaldies et al.

² U.S. Patent No. 6,983,308 to Oberhaus et al.

³ Office Action mailed January 19, 2011, at ¶ 10.

⁴ M.P.E.P. § 2143.

Claim 1 as presently amended recites:

A computer implemented method comprising:
by a mail server, receiving information from a first user computing device regarding every change made to an application database located on the first user computing device;
by the mail server, storing the information in a mail folder on the mail server, the mail folder corresponding to a user associated with the first user computing device and a second user computing device maintaining a copy of the application database;
by the mail server, receiving a synchronization request from the second user computing device and
responsive to the synchronization request, forwarding, by the mail server, the information from the mail folder to the second user computing device.

The Examiner states:

Further regarding claim 1, the applicant argues Rigaldies does not disclose a third entity involved in the synchronization. The examiner respectfully disagrees. Any changes made by the user's workstation mailbox are replicated to the voice-mail server and synchronization between the voice-mail server and the e-mail server also occur (Abstract; Fig. 1-4; Col. 10, ln. 1-8; Col. 15, ln. 59 — Col. 16, ln. 6). For example, Rigaldies discloses that the voice-mail message store on the voice-mail server synchronizes with the client to obtain all voice-mail and e-mail (Abstract, "the voice-mail message store contains both the voice-mail and e-mail; Fig. 1-4) and that the e-mail message store on the e-mail server may also contain all voice-mail and e-mail (Abstract, "the e-mail message store contains both the e-mail and the voice-mail; Fig. 1-4). Therefore, synchronization is occurring between the workstation mailbox, the e-mail message store, and the voice-mail message store. Additionally, any mail sent from the mail server to the client may be seen as replication between two devices, and then synchronization of the client's mail with the voice-mail server is synchronization with a third device (Abstract; Fig. 1-4).⁵

The Applicant respectfully disagrees.

Embodiments of the invention as presently claimed feature a mail server that is a *third* device which is separate from both a first *user* computing device and a second *user* computing device, where the mail server (1) receives information from the first *user* computing device regarding every change made to the application database on the first *user* computing device, (2) stores the information in a mail folder corresponding to a user associated with the first *user* computing device and a second *user* computing device on the mail server, (3) receives a

⁵ Office Action at ¶ 4.
13547856.3

synchronization request from the second *user* computing device, and (4) responsive to the synchronization request, forwards the information from the mail folder to the second *user* computing device. In this context, “the information” that is forwarded from the mail server to the second *user* computing device is the information that the mail server received from the first *user* computing device, where the information regards every change made to the application database on the first *user* computing device. This differs from the two-way synchronization disclosed by Rigaldies et al., where data stores of the voice-mail system and the e-mail system tell the other what the other has done. A third entity is not involved in the synchronization disclosed by Rigaldies et al.; for example, Rigaldies et al. does *not* disclose a third entity telling the e-mail system and possibly other systems what the voice-mail system has done, or the third entity telling the voice-mail system and possibly other systems what the e-mail system has done. Furthermore, the synchronization disclosed by Rigaldies et al. does not include synchronization between two separate *user* computing devices via a mail server as required by the independent claims.

With this Amendment, the independent claims have been amended to make this distinction more clear. More specifically, the independent claims have been amended to recite “user computing device” *in lieu of* “client computing device.” Support for this Amendment is found in the specification, figures, and claims as originally filed, for example paragraphs 25 and 27 of the specification as filed.

The Examiner states:

Further regarding claim 1, the applicant argues Oberhaus fails to disclose the client devices maintaining copies of the application database. The examiner respectfully disagrees. Oberhaus discloses that the mobile device mail server stores and then handles the "delivery" of mail to the mobile device (Col. 3, ln. 28-54). The local mail server performs the same for the desktop computer (Col. 3, ln. 28-54). If the mail is delivered to the mobile device and the desktop computer, it may be interpreted as being stored, at least temporarily. Additionally, in order to view email on a display at the desktop computer or mobile device, the mail must be stored locally in temporary memory, such as the random-access memory disclosed by

Oberhaus (Col. 24, hi. 3-12).⁶

The Applicant respectfully disagrees. Independent claim 1 requires the user computing device maintain a copy of the application database. Whereas the Examiner refers generally to temporary storage of mail items in a volatile memory such as a random-access memory. The Applicant respectfully submits the Examiner's attempt to equate storing temporary copies of mail items, with maintaining a copy of an application database, is improper.

The Examiner states:

Further regarding claim 1, the applicant argues Oberhaus fails to disclose the synchronization request coming from a client device. However, even assuming the request does not come from the user's computer or mobile device, the applicant states the mail synch client is involved in the synchronization. The mail synch "client" is clearly a client device as indicated by the language of the reference (Abstract, ln. 1-5, "the user is able to effectively see and interact with only a single 'virtual' mailbox, which is the synchronized combination of two different electronic mailboxes"; Col. 2, ln. 26-46; Col. 3, ln. 28-54; Col. 8, ln. 57-58).⁷

The Applicant respectfully disagrees. With this Amendment, the independent claims have been amended to make the distinction between client devices and user computing devices more clear. More specifically, the independent claims have been amended to recite "user computing device" *in lieu of* "client computing device." Support for this Amendment is found in the specification, figures, and claims as originally filed, for example paragraphs 25 and 27 of the specification as filed.

The Examiner states:

Further regarding claim 1, the applicant argues Oberhaus discloses the mail synch client synchronizing mail between the local mail server and the wireless system, as opposed to the user's computer and the mobile device. However, as discussed above, the reference discloses that the synchronization is done in order to ensure synchronization occurs between the user's computer and mobile device. Therefore, any changes would be in reference to modifications made on those devices and therefore the information ultimately comes from the client device and the associated end user (Abstract, ln. 1-5, "the user is able to effectively

⁶ Office Action at ¶ 6.

⁷ Office Action at ¶ 7.

see and interact with only a single 'virtual' mailbox, which is the synchronized combination of two different electronic mailboxes"; Col. 2, ln. 26-46; Col. 3, ln. 28-54; Col. 8, ln. 57-58).⁸

The Applicant respectfully disagrees. With this Amendment, the independent claims have been amended to make the distinction between client devices and user computing devices more clear. More specifically, the independent claims have been amended to recite "user computing device" *in lieu of* "client computing device." Support for this Amendment is found in the specification, figures, and claims as originally filed, for example paragraphs 25 and 27 of the specification as filed.

For at least the above reasons, the Applicant respectfully submits the limitations of Claim 1 are not disclosed or suggested by the cited art of record.

As the limitations of Claim 1 are not disclosed or suggested by the cited art of record, the Applicant respectfully requests the 35 U.S.C. § 103 rejection of Claim 1 be withdrawn.

Independent Claims 9, 18, 27, 29, 31, 33, 41, 51, and 60-62

Claims 9, 18, 27, 29, 31, 33, 41, 51, and 60-62 include limitations similar to those discussed above with respect to Claim 1. Claim 1 being allowable, Claims 9, 18, 27, 29, 31, 33, 41, 51, and 60-62 must also be allowable.

Dependent Claims 2, 5, 8, 10-11, 14, 17, 19-20, 23, 26, 28, 30, 32, 34, 37, 39-40, 42-43, 46, 49, 50, 52-53, 56, and 59

Claims 2, 5, and 8 depend from Claim 1, Claims 10-11, 14, and 17 depend from Claim

⁸ Office Action at ¶ 8.
13547856.3

9. Claims 19-20, 23, and 26 depend from Claim 18. Claim 28 depends from Claim 27. Claim 30 depends from Claim 29. Claim 32 depends from Claim 31. Claims 34, 37, and 39-40 depend from Claim 33. Claims 42-43, 46, 49, and 50 depend from Claim 41. Claims 52-53, 56, and 59 depend from Claim 51. Claims 1, 9, 18, 27, 29, 31, 33, 41, and 51 being allowable, Claims 2, 5, 8, 10-11, 14, 17, 19-20, 23, 26, 28, 30, 32 must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 3, 12, 21, 35, 44, and 54 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rigaldies et al. in view of Oberhaus et al. and further in view of Christie et al.,⁹ among which no claims are independent claims.¹⁰ This rejection is respectfully traversed.

The 35 U.S.C. § 103 rejection of independent Claims 1, 9, 18, 27, 29, 31, 33, 41, 51, and 60-62 based on Rigaldies et al. in view of Oberhaus et al. is unsupported by the cited art of record, as Rigaldies et al. in view of Oberhaus et al. does not teach or suggest all claim limitations. Accordingly, the 35 U.S.C. § 103(a) of dependent claims 3, 12, 21, 35, 44, and 54 based on Rigaldies et al. in view of Oberhaus et al. and further in view of Christie et al. is unsupported by the art because the combination of Rigaldies et al. in view of Oberhaus et al. and Christie et al. does not teach all claim limitations.

The Third 35 U.S.C. § 103 Rejection

Claims 4, 6, 13, 15, 22, 24, 36, 38, 45, 47, 55, and 57 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rigaldies et al. in view of Oberhaus et al. and further

⁹ U.S. Patent No. 5,757,669 to Christie et al.

¹⁰ Office Action at ¶ 23.

in view of LaRue et al.,¹¹ among which no claims are independent claims.¹² This rejection is respectfully traversed.

The 35 U.S.C. § 103 rejection of independent Claims 1, 9, 18, 27, 29, 31, 33, 41, 51, and 60-62 based on Rigaldies et al. in view of Oberhaus et al. is unsupported by the art, as Rigaldies et al. in view of Oberhaus et al. does not teach or suggest all claim limitations. Accordingly, the 35 U.S.C. § 103(a) of dependent claims 4, 6, 13, 15, 22, 24, 36, 38, 45, 47, 55, and 57 based on Rigaldies et al. in view of Oberhaus et al. and further in view of LaRue et al. is unsupported by the art because the combination of Rigaldies et al. in view of Oberhaus et al. and further in view of LaRue et al. does not teach all claim limitations.

The Fourth 35 U.S.C. § 103 Rejection

Claims 7, 16, 25, 48, and 58 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rigaldies et al. in view of Oberhaus et al. and further in view of Malik,¹³ among which no claims are independent claims.¹⁴ This rejection is respectfully traversed.

The 35 U.S.C. § 103 rejection of independent Claims 1, 9, 18, 27, 29, 31, 33, 41, 51, and 60-62 based on Rigaldies et al. in view of Oberhaus et al. is unsupported by the art, as Rigaldies et al. in view of Oberhaus et al. does not teach or suggest all claim limitations. Accordingly, the 35 U.S.C. § 103(a) of dependent claims 7, 16, 25, 48, and 58 based on Rigaldies et al. in view of Oberhaus et al. and further in view of Malik is unsupported by the art because the combination of Rigaldies et al. in view of Oberhaus et al. and further in view Malik does not teach all claim limitations.

In view of the foregoing, it is respectfully asserted that the claims are now in condition

¹¹ U.S. Patent No. 6,449,622 to LaRue et al.

¹² Office Action at ¶ 26.

¹³ U.S. Publication No. 2002/0065892 to Malik.

¹⁴ Office Action at ¶ 29.

for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-3557.

Respectfully submitted,
NIXON PEABODY LLP

Dated: July 18, 2011

/John P. Schaub/
John P. Schaub
Reg. No. 42,125

NIXON PEABODY LLP
P.O. Box 60610
Palo Alto, CA 94306
Tel. (650) 320-7700
Fax. (650) 320-7701